IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 22509 of 2004(D)

AGAINST THE ORDER IN EP.25/04 IN OS.793/2000 of II ADDL.M.C.,NEYYATTINKARA

.....

PETITIONER:

CHELLAN NADAR SOMAN,
GIRIJA BHAVAN, PANOLICHUVILAKAM,
THIRUPURATHOOR DESOM,
THIRUPURAM VILLAGE.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

CHELLAPPAN NADAR RETNAKUMARI,
RAJI VILASOM, C.S.I., COMPOUND,
VELLARADA VILLAGE..

BY ADV. SRI.N.MAHESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 22509/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT DT. 3/11/2001 IN OS NO. 793/2000 BY COURT OF PRINCIPAL MUNSIFF NEYYATTINKARA.

EXT.P2. COPY OF THE EP NO. 25/04 IN OS NO. 793/00 DT. 14/1/2004.

EXT.P3. COPY OF THE ORDER DT. 25/5/04 IN EP NO. 25/04 IN OS NO. 793/2000 BY COURT OF ADDITIONAL MUNSIFF -II, NEYYATTINKARA.

EXT.P4. COPY OF THE EP NO. 278/2004 DT. 3/6/04.

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 22509 OF 2004

Dated this the 22nd day of June, 2007.

J U D G M E N T

Petitioner approached this Court aggrieved by Exhibit P3 order passed by the Additional Munsiff Court-II, Neyyattinkara in E.P. 25/2004 in O.S. 793/2000.

2. According to the petitioner, the decree can be satisfied, on proceeding against immovable property in which case, personal execution is unnecessary. In the peculiar facts and circumstances of this case, I set aside Exhibit P3 order with a direction to the Execution Court to consider the submission made above and in case the decree can be otherwise satisfied, there shall be no personal execution.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp